

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2020-

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOAD FOR TRASH IN MACHADO LAKE AND THE TOTAL MAXIMUM DAILY LOAD FOR DEBRIS IN NEARSHORE/OFFSHORE SANTA MONICA BAY

WHEREAS:

1. On March 14, 2019 the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R19-004](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to revise the Total Maximum Daily Load (TMDL) for Trash in Machado Lake and the TMDL for Debris in Nearshore/Offshore Santa Monica Bay.
2. The Los Angeles Water Board's proposed Basin Plan amendment is an action subject to the requirements of the California Environmental Quality Act (CEQA). The Resources Agency has approved the regional water boards' basin planning process as a "certified regulatory program" that adequately satisfies requirements under CEQA to prepare environmental documents. (CCR Title 14, section 15251, subdivision (g); CCR Title 23, section 3777.)
3. The Los Angeles Water Board previously prepared "substitute environmental documentation" for the establishment of the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash ([Resolution No. R4-2007-009](#)), the 2007 Legg Lake Trash TMDL ([Resolution No. R4-2007-010](#)), and the 2007 Ventura River Estuary Trash TMDL ([Resolution No. R4-2007-008](#)) pursuant to California Code of Regulations, title 23, sections 3775 et seq., and Public Resources Code section 21159. That documentation contained the required environmental documentation as required by the State Water Board's CEQA regulations. (23 Cal. Code Regs. §§ 3777, 3779.5.). In preparing the previous substitute environmental documentation, the Los Angeles Water Board considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intended those documents to serve as a tier 1 environmental review. The previous substitute environmental documentation contained significant environmental analysis and numerous findings related to the reasonably foreseeable methods of compliance, the impacts of the methods of compliance, feasible mitigation measures, and alternative means of compliance.
4. The Los Angeles Water Board found that these TMDL revisions did not alter the environmental analysis that was previously prepared for the establishment of the TMDLs because the TMDL revisions will not result in different implementation actions than those previously analyzed or different effects upon the environment. Moreover, no additional reasonably foreseeable methods of compliance warrant environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187.

5. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with Los Angeles Water Board's findings and determinations.
6. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
7. The Los Angeles Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
8. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL revisions, as reflected in the Basin Plan amendment, are consistent with the requirements of section 303(d) of the federal Clean Water Act.
9. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). Revisions of TMDLs must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R19-004.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R19-004 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL revisions.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 21, 2020.

Jeanine Townsend
Clerk to the Board